

SENATE BILL 1380

By Tate

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 16; Title 3, Chapter 1, Part 1 and Title 5, Chapter 1, Part 1, relative to use of adjusted population data in redistricting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "No Representation Without Population Act of 2017."

SECTION 2. Tennessee Code Annotated, Section 2-16-102, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection (b):

(b)

(1) On and after April 1, 2020, the population count used after each decennial census for the purpose of creating districts for the state's representatives in congress:

(A) May not include individuals who:

(i) Were incarcerated in state or federal correctional facilities, as determined by the decennial census; and

(ii) Were not residents of the state before their incarceration; and

(B) Shall count individuals incarcerated in state or federal correctional facilities, as determined by the decennial census, at their last known residence before incarceration if the individuals were residents of the state.

SECTION 3. Tennessee Code Annotated, Section 3-1-101, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection (b):

(b)

(1) On and after April 1, 2020, the population count used after each decennial census for the purpose of creating districts for the senate and house of representatives:

(A) May not include individuals who:

(i) Were incarcerated in state or federal correctional facilities, as determined by the decennial census; and

(ii) Were not residents of the state before their incarceration; and

(B) Shall count individuals incarcerated in state or federal correctional facilities, as determined by the decennial census, at their last known residence before incarceration if the individuals were residents of the state.

SECTION 4. Tennessee Code Annotated, Section 5-1-111, is amended by deleting subsection (h) and substituting instead the following:

(h) On and after April 1, 2020, the population count used after each decennial census for the purpose of creating districts for county legislative bodies:

(1) May not include individuals who:

(A) Were incarcerated in state or federal correctional facilities, as determined by the decennial census; and

(B) Were not residents of the state before their incarceration; and

(2) Shall count individuals incarcerated in state or federal correctional facilities, as determined by the decennial census, at their last known residence before incarceration if the individuals were residents of the state.

SECTION 5.

(a) To the greatest extent practicable, the office of legislative information systems for the general assembly, in consultation with the office of legal services and the department of correction, shall adjust the actual decennial census population count in accordance with this act.

(b) The comptroller's office of local government shall assist county legislative bodies in complying with § 5-1-111(h).

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.